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E.O. 12958: DECL: 02/16/2017  
TAGS: [PGOV](#) [PHUM](#) [ELAB](#) [PINS](#) [GV](#)  
SUBJECT: TFGV01: JUSTICE MINISTER SAYS INVESTIGATIONS INTO  
KILLINGS UNDERWAY

REF: CONAKRY 179

Classified By: POLOFF JESSICA DAVIS BA, REASON 1.4 (b,d)

¶1. (SBU) Summary. On February 15, Minister of Justice Alseny Rene Gomez briefed G-8 ambassadors on the status of investigations into killings during the June 2006 and January 2007 general strikes. Minister Gomez and his associates described a meticulous and tediously paced process that includes a commission with participation by magistrates from around the country, representatives from various ministries, and union representatives. This commission does not currently have authority to investigate actions during the present state of siege. At present, the Ministry of Justice can confirm only two security personnel in custody for alleged killings, while there are unconfirmed reports of over 100 civilians under arrest for property damage. Gomez assured the ambassadors that Guinea is committed to executing an open and transparent process, welcoming international technical and financial assistance to ensure justice. End Summary.

¶2. (SBU) Minister of State for Foreign Affairs and International Cooperation Mamady Conde organized a briefing February 15 for G-8 ambassadors by Minister of Justice Gomez, who reviewed the status of investigations into killing and abuses during the June and January general strikes. The invitation followed the ambassadors' demands during an earlier meeting with Prime Minister Eugene Camara for credible investigations into civilian deaths during the June 2006 and January 2007 general strikes and the current state of siege. The U.S., British, German, and Spanish ambassadors, as well as the EC head of delegation and the acting U.N. representative were present.

¶3. (SBU) Assuring the group that he understood international concerns, Gomez insisted that Guinea will no longer accept human rights violations, noting that "we have the will to search for the truth." Although he is not required to do so, Gomez has invited Guineans outside the justice system to take part in the inquiry. This inclusiveness will ensure it is an open and transparent process, he said. Gomez said that he has appointed experienced professionals within the Ministry of Justice to take charge of the process. To avoid potential obstacles, Gomez appointed a supervisory commission to manage the inquiry, led by Mohammed Haidara, Inspector General of the Judicial Service at the Minister of Justice.

¶4. (SBU) Haidara and Yves William Aboly, Prosecutor General for the Appeals Court of Conakry, made detailed presentations about the ministry's painstaking measures the ministry on the investigation. The commission, which includes

representatives from the courts of first instance, judges, and prosecutors from all regions, is organized according to Guinea's standard procedures for investigations, with some innovations. Aboly asserted they have "taken all dispositions necessary for the process," evidenced by the arrests of several persons who remain in custody pending trial. Haidara assured the ambassadors that judgments would take place only after the investigations are concluded, but that judgments will definitely be made.

15. (SBU) The ministry has not waited for victim complaints to open an investigation. It formally initiating the investigation on June 13, 2006 immediately following the June 12 killings. Gomez drew lessons learned from the June investigation and departed from the past by inviting outside ministries and organizations to participate in the current process, he said. The commission includes representatives from the Ministries of Security, Defense, and Territorial Administration and Decentralization. Gomez confirmed that he invited the union coalition, the Guinean Human Rights Organization (OGDH), and the Guinean Bar Association to take part. Gomez said that the unions designated two individuals and they have taken part in two meetings of the Commission. Gomez said that he has not yet received a reply from OGDH and that the Bar Association declined. Gomez emphasized that he could not force their participation.

16. (SBU) Gomez clarified that, in addition to the June events, the Commission is targeting January 10-27. Ambassador McDonald asked about the Minister of Justice's authority to investigate actions during the state of siege in place since February 12. Gomez first responded that since their last meeting on February 9, the investigators have not been able to do their work due to restrictions on movement. When the Ambassador asked more pointedly, Gomez responded,

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"We will not accept impunity", but said that since we are outside of the normal operating context, he would have to go back and look to see about extending the commission's mandate.

17. (SBU) The Ambassador emphasized that credibility can only be assured if persons who are responsible for killings, rapes, beatings, and other human rights violations are held responsible. Gomez claimed that military officers have been arrested but their cases remain with the gendarmes. He expected the cases to be transferred to Conakry for judgment in the next civilian court session. Gomez said the ministry plans to go after all criminals, including those who are responsible for the destruction of public property as well as the private property of government officials. Gomez said that if he were to re-deploy the commission to cover the state of siege period as well, he would have to include new prefectures and additional investigators -- all of which "will take more time and be more difficult."

18. (SBU) The German ambassador encouraged the ministers to publish a status report on the investigations to inform the public that they are in fact doing something. The ministers agreed to release information, admitting that the population has no knowledge of their efforts and their commitment to bring perpetrators to justice. The German ambassador implored the ministers to accept international offers of assistance, questioning whether the government currently has the human and financial resources to sustain an investigation of this magnitude. Minister Conde responded that Guinea has already accepted assistance from the High Commissioner for Human Rights who is sending a specialist from Geneva and a special regional representative to conduct an international evaluation of the process. "We are not closed to material and financial assistance," he concluded.

19. (C) Gomez said that 443 persons were arrested during the January general strike, but almost all of these detainees were released in connection with the January 27 tripartite agreement. The five who remain in prison are charged with burning vehicles. Gomez said the investigation into their

cases is ongoing and that he has an obligation to judge them based on evidence of their criminal actions. In a subsequent conversation with Poloff, Haidara confirmed that there have been other arrests in connection with January, but he had no idea how many persons are being held. He was not aware of any security personnel arrested in connection with killings but that it is the work of the commission to learn the situation in all regions. (Note: We have unconfirmed reports of at least 100 persons arrested in various cities in connection with property damaged in January. There are also reports that the government has initiated targeted operations to round up additional persons in Conakry and upcountry.)

¶10. (SBU) The ministers asked the ambassadors to help them address the concerns of the international community over perceptions of impunity, arguing that this investigation demonstrated concrete corrective measures to correct this assumption.

¶11. (C) COMMENT. The process may be meticulous but it is also slow and not transparent to the public. As usual, the information was shared only in response to ambassadorial demands, and only with a limited few. While Gomez invited the participation of outside actors, it is clear that he does not intend to have a "political" investigation akin to a truth and reconciliation process requested by many. At present, there is no clear mandate to ensure that actions since February 12 and the declaration of martial law, particularly by military, will be punished. It is also important to note that there are more civilians arrested for property destruction during the strike than military or other security personnel for killings and other human rights abuses. The process as described is not totally flawed, but it does not constitute a credible investigation into the violence perpetrated by state actors during the strikes or state of siege.

MCDONALD